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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,533	10/30/2003	Renzo Colle	34874-350 / 2003P00635US	7832
64280 7590 04/29/2008 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C. ATTN: PATENT INTAKE CUSTOMER NO. 64280 ONE FINANCIAL CENTER BOSTON, MA 02111			EXAMINER ANDERSON, FOLASHADE	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 04/29/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/696,533	Applicant(s) COLLE ET AL.	
	Examiner FOLASHADE ANDERSON	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/04/05, 09/13/04 & 10/30/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the first non-final office action in response to Applicant's submission filed on October 30, 2003. Currently, claims 1-22 are pending. The information disclosure statements (IDS) submitted on 10/30/03, 09/13/04 and 08/04/2005 were considered by the Examiner in the prosecution of the claims in the instant application.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: *190 of figure 1, 336 of figure 3, 670 of figure 6, 745, 752, 754, 755, 756 of figure 7, 825 of figure 8, and 1075 of figure 10*. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p) (5) because they do not include the following reference sign(s) mentioned in the description: *180 of figure 1 (see p. 15, line 24), 740, 765 of figure 7 (see p.25, lines 5 and 14), 835 of figure 8 (seep.28, line 16) and 1085 of figure 10 (see p.31, line 16).* Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically in regards to claim 15 the claim language recites **a computer-readable medium or propagated signal having embodied thereon a computer program**. As the claim to a signal per se does not appear to be a process, machine, manufacture or composition of matter, see MPEP 2106 and *In re Nuijten* Docket no. 2006-1371 (Fed Cir. Sept. 20, 2007). Claims 16-20 have similar deficiencies as note above with regards to claim 15 therefore are rejected for substantially the same reason.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 9-12, 14-16, 19 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al (US Patent 6,049,776) in view of Hartlaub (US Publication 2002/0087116 A1).

In regards to claims 1, 15 and 21 Donnelly teaches **a computer system for scheduling the performance of service actions that involve activities at multiple locations, the system comprising:**

- **an engine that associates (col. 2, lines 1-5), based on user input (# 100 of figure 3), resource information with both a first task item to be performed at**

- a field location (figure 53) and a second task item to be performed at a central workshop location that is different from the field location (figure 53), the first and second task items to be completed as part of a service action (figure 3; where the Examiner in order for the action to be complete the employee must be assigned by a manager and the employee performs the task as such the either the manager or the employee is in the field or the central workshop) ; and**
- **a repository of resource information associable with the first and second task items (col. 9, lines 35-37), the repository including field human resource information (col. 9, lines 38-40) so that a specified field technician is associable with the first task item (col.10, lines 42-45), central workshop human resource information so that a specified central workshop technician is associable with the second task item (col.10, lines 42-45), and work area information for the central workshop location so that a specified work area is associable with the second task item (col. 10, lines 7-8), wherein:**
 - **the field human resource information includes availability information for field technicians (col. 10, lines 23-39 where calendar file contains availability of each human resource),**
 - **the central workshop human resource information includes availability information for central workshop technicians (col. 10, lines 23-39 where calendar file contains availability of each human resource), and**

Donnelly does not teach **the work area information includes availability information for central workshop locations.**

However in the art of scheduling it is old and well known protocol to check the availability of a location prior to assign a task to it as evident by Hartlaub (par. 0057) in the scheduling of appoints in the analogous art of patient appointment scheduling.

It would have been obvious to one of ordinary skill in the art to include the teachings of Hartlaub, room availability, in the invention of Donnelly to ensure all components need for the schedule appointment were available with a minimal amount of human intervention.

As a point of clarification Donnelly does not expressly teach a “first” and “second” or a “field” and “central workshop” worker. Donnelly teaches a human resource (col. 2, lines 46-48) and he also teaches the user (human resource) can be remote (col. 8, lines 41-42). The Examiner interprets the invention to be capable of use by both works located internally (central workshop) as well as in the field. As such the claimed invention of the instant application is used for assigning field and central worker, one of ordinary skill in the art at the time the invention was made could have used the invention of Donnelly to implement a predictable variation resulting in essentially the same types of assignments, see *KSR International Co v. Teleflex Inc*, 550 U.S. ___, 82 USPQ2d 1385 (2007).

Further in regards to claims 15 and 21 which are the medium and method respectively for interacting with the system of claim 1. These claims are implied and

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depend upon the system of claim 1 and therefore are rejected for substantially the same reason given above with respect to claim 1.

In regards to claims 2, 16, and 22 Donnelly teaches:

- **the first task item includes a field human resource skill requirement (col. 26, lines 40-45),**
- **the second task item includes a central workshop human resource skill requirement (col. 26, lines 40-45),**
- **the field human resource information includes an indication of a skill possessed by particular field technicians (col. 10, lines 9-18),**
- **the central workshop human resource information includes an indication of a skill possessed by particular central workshop technicians (col. 10, lines 9-18),**
- **the engine associates the specified field technician with the first task item only when the indication of the skill possessed by the specified field technician matches the field human resource skill requirement of the first task item (col. 29, lines 9-22), and**
- **the engine associates the specified central workshop technician with the second task item only when the indication of the skill possessed by the specified central workshop technician matches the central workshop human resource skill requirement of the second task item (col. 29, lines 9-22).**

As a point of clarification Donnelly does not expressly teach a “field” or “central workshop” worker. Donnelly teaches a human resource (col. 2, lines 46-48) and he also teaches the user (human resource) can be remote (col. 8, lines 41-42). Additionally Donnelly teaches that skill sets are known per employee (col. 10, line 9-10). The Examiner interprets the invention to be capable of use by both works located internally (central workshop) as well as in the field. As such the claimed invention of the instant application is used for assigning field and central worker, one of ordinary skill in the art at the time the invention was made could have used the invention of Donnelly to implement a predictable variation resulting in essentially the same types of assignments, see *KSR International Co v. Teleflex Inc*, 550 U.S. ___, 82 USPQ2d 1385 (2007).

Further in regards to claims 16 and 22 which are the medium and method respectively for interacting with the system of claim 2. These claims are implied and depend upon the system of claim 2 and therefore are rejected for substantially the same reason given above with respect to claim 2.

In regards to claims 3-5 Donnelly teaches **the availability information is provided to the repository of resource information from a computer system other than the computer system for scheduling the performance of service actions** (col. 9, lines 31-34).

Donnelly does not expressly teach that the specific data recited in claims **the availability information is for field (central) technicians (or workshop location)**; however, these differences are only found in the non-functional descriptive material and

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are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.

In regards to claim 6 Donnelly teaches **wherein the engine is configured to send the first task item for the service action to a mobile client** (col. 8, lines 8-46).

In regards to claims 9-11, 9 and 20 Donnelly teaches **wherein the engine is configured to receive, from a mobile client** (col. 8, lines 41-46), **user input that specifies the specified employee to be associated with the task item** (col. 12, lines 63-67).

Donnelly does not expressly teach that the specific data recited in claims that the employee is a **field (central workshop) technician (or work area) to be associated with the first (second) task item** however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re*

Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.

Further in regards to claims 19 and 20 which refer to the medium for interacting with the system of claims 9 and 10 respectively. These claims are implied and depend upon the system of claims 9 and 10 and therefore are rejected for substantially the same reason given above with respect to claims 9 and 10.

In regards to claim 12 Donnelly teaches **wherein the engine is configured to receive, from a mobile client** (col. 8, lines 41-46).

Donnelly and Hartlaub are silent on **user input that specifies an amount of time spent on the first task item or an amount of time spent on the second task item.**

Official notice is taken that it was an old and well known practice in the art at the time the invention was made that an employee would convey to his employer or the customer the amount of time spent on a task.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the old and well known practice of reporting time spent on a task in the invention of Donnelly to provide the system with an update on the employees availability.

In regards to claim 14 Donnelly teaches **wherein the engine is configured to receive, from a mobile client** (col. 8, lines 41-46).

Donnelly and Hartlaub are silent on **user input that specifies whether the first task item is completed or specifies whether the second task item is completed.**

Official notice is taken that it was an old and well known practice in the art at the time the invention was made that an employee would convey to his employer or the customer that a task was completed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the old and well known practice of reporting task completion in the invention of Donnelly to provide the system with an update on the employees availability.

6. Claims 7, 8, 13, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al (US Patent 6,049,776) and Hartlaub (US Publication 2002/0087116 A1) as applied to claims 1 and 15 above and in further view of ServicePower.com (www.archive.org/www.servicepower.com, published 11/11/2001).

In regards to claims 7, 8, 17 and 18 Donnelly teaches that once an employee's assignment has been updated the employee is sent notification of the schedule changes (col. 29, lines 18-22).

Donnelly and Hartlaub are silent on **wherein the engine is configured to send the first (second) task item for the service action to a mobile client.**

Official notice is taken that it was old and well known in the art at the time the invention was made that mobile communication was available for task assignment as evidenced by ServicePower (pg. 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the old and well known technology of mobile communications in the invention of Donnelly to support trends in innovations (ServicePower pg. 24).

Additionally the Examiner notes that neither Donnelly nor Service power explicitly teaches a **first (second) task item for the service action** is sent; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *MPEP* § 2106.

Further in regards to claims 17 and 18 which refer to the medium for interacting with the system of claims 7 and 8 respectively. These claims are implied and depend upon the system of claims 7 and 8 and therefore are rejected for substantially the same reason given above with respect to claims 7 and 8.

In regards to claim 13 Donnelly teaches **wherein the engine is configured to receive, from a mobile client** (col. 8, lines 41-46).

Donnelly and Hartlaub are silent on **user input that specifies a spare part used in performing the first task item or a spare part used in performing the second task item** (ServicePower, pg. 8)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of ServicePower in the invention of Donnelly to accurately account for spare parts to be bill the customer.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goyal (US Patent 6,711,607 B1) teaches assigning resources based on a service level agreement. ServicePower Announces Certified Integration With SAP R/3; ServicePower Automated Scheduling Software Integrated With SAP R/3 Software (published, 09/2004).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Folashade Anderson/
Examiner, Art Unit 3623

/Beth Van Doren/
Primary Examiner, Art Unit 3623